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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/906,995	07/17/2001	Haruhiko Kinoshita	NECW 18.854	6474
26304	7590	11/10/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			GEDRICH, SARAH R	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/906,995	KINOSHITA, HARUHIKO	
	Examiner Sarah R. Gedrich	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) 1-8 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____ .

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification Objections

2. The disclosure is objected to because of the following informalities:
 - The specification refers to “reservation terminal 200” as shown in Figure 2. Figure 2 shows “reservation terminal 201.”
 - The specification refers to “asking mileage information database device 4 for customer attributes relative to at least miles of the boarding reservoir based on the received boarding reservation information” (pg. 10, lines 19-20) and recording in combination the customer attributes and boarding reservation information (pg. 10, lines 21-22). The specification also states that the “accumulated miles information and customer attributes” are stored in the mileage information database (pg. 11, line 8). Later the “customer attributes” are identified as “the name, the address, the contact place, the sex, etc., of the reservoir” (pg. 13, lines 11-12). It is unclear what is meant by “customer attributes relative to at least miles of the boarding reservoir.”
 - The specification refers to “reservation terminal 2” (pg. 13, line 16, 19, 20, and 23) and is not identified in the drawings.

Appropriate corrections are required.

Claim Rejections

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 4 claims the acceptance terminal includes a means for selecting whether usage of mileage-related service or payment of the consideration is made for the corporation.

Claim 2 claims the reservation terminal having means for selecting whether an entity making the reservation is a corporation registered for a corporate mileage service or an individual. This selection is the basis for determining whether miles earned belong to the corporation or the individual. However, two selections have been made. One by the entity reserving the service and one by the operator of the acceptance terminal.

The specification provides no direction or on how to apply the selection means stated in claim 4. Who is making the selection that actually determines the ownership of the mileage? What does the claim 4 selection do? If the selections are different who is credited with the mileage?

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1-3, 5, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Some examples include:

- Claims 1, 2, 5, and 6 use "comprising a [type of database]" when "comprising:" should be used.
- Claims 2 and 5 use the term "payment of a consideration" which is not clearly defined.
- Claim 3 states "whether said reservation is made for the business of the corporation or not." "[O]r not" is not clearly defined.
- Claim 5 states "recipient belongs to one of the corporations or not." "[O]r not" is not clearly defined.
- Claim 6 states "retrieving an added miles recipient" where it is believed the intention was for "retrieving an added miles recipient information."

Appropriate corrections are required. Applicant is encouraged to review the claims in their entirety and make corrections where needed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al. Patent Application Publication US 2002/0178034 (hereinafter referred to as “Gardner”) in view of Pugliese,, III et al. Patent Application Publication US 2001/0016825 (hereinafter referred to as “Pugliese”) and in further view of Walker et al. US Patent No. 6,327,573 (hereinafter referred to as “Walker”).

Gardner teaches a method and system for combining sales and usage transactions into one transaction, and eliminates the issuance of accountable and specific travel authorization. Gardner further teaches:

- Registering, in combination, corporations and personal mileage identification number in a corporation vs. individual relationship database (pertaining to claims 1, 3, and 5 - 8): a Customer/corporate profile database where traveler preference information including affinity membership numbers and corporate travel policy information is stored (Gardner: paragraph 0080).

- Asking the corporate vs. individual relationship database whether the boarder is a constituent member using the personal mileage identification as a retrieval key (pertaining to claims 1 and 7): the profiles booking support system communicates with the corporate customer database through APIs (Gardner: paragraph 0083). The APIs validate the user's logon and ensure s/he is entered in the database (Gardner: paragraph 0084).
- Selecting whether an entity making a reservation is a corporation registered for a corporate mileage service or an individual (pertaining to claim 2): a reservation process that includes accessing last seat availability, seat map assignments, booking "wrap up" [PNR] creation, and frequent traveler data (Gardner: paragraph 56). The process further includes specification of the traveler's desired trip information, selection of flights from viable trip options, determination of flight availability/seat assignment, and etc. Profile information at the customer and the corporate level provides facilitation at each of these stages of the booking process (Gardner: paragraph 0057).
- Comparison between working date and location of the constituent member and the date of reserving or using the vehicle covered by the mileage service (pertaining to claim 8): a customer/corporate database where "every booking is stored with the traveler's unique identifier, linking present and historic booking to corporation/employee" (Gardner: paragraph 0082) and allows for corporate travel reporting (Gardner: paragraph 0081).

Gardner fails to disclose:

- Transmitting the personal mileage identification number when a reservation is made using a reservation terminal (pertaining to claims 1 - 2, and 5 – 8): Pugliese teaches a method and system for issuing an electronic authorization and validation of airline reservations using the Internet. Pugliese further teaches making a reservation by accessing the reservation center via an ATM (Pugliese: paragraph 0040) and a reservation number for a particular flight is issued and identified with a passenger name and I.D. card number (Pugliese: paragraph 0041). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gardner to include transmitting of personal mileage identification number when a reservation is made as taught by Pugliese, in order to eliminate paper ticketing (Pugliese: paragraph 0023).
- Transmitting acceptance when a boarding process is carried out using an acceptance terminal (pertaining to claims 1 – 2 and 5 – 8): Pugliese further discloses that at the boarding gate terminal (Pugliese: paragraph 00659) an optical or magnetic reader reads the I.D. number from the boarding pass and an indication of boarding is stored in the passenger's record on the main computer (Pugliese: paragraph 0060). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gardner to include transmitting of personal mileage identification number when a boarding process is carried out as taught by Pugliese in order to allow an agent of the airline to

validate a passenger's right to board without presenting a valid ticket (Pugliese: paragraph 0026).

- Adding boarding miles to the accumulated miles of the boarder (pertaining to claims 1 and 7): Pugliese further teaches a system that automatically updates the frequent flier record (Pugliese: paragraph 0062) that is stored on the central computer and accessed through an ATM (Pugliese: paragraph 0049). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gardner to include adding the accumulated miles upon boarding as taught by Pugliese in order to provide up-to-the-minute information for the passenger (Pugliese: paragraph 0024).
- Selecting whether usage is for a corporation at the acceptance terminal (pertaining to claim 4): Pugliese discloses an ATM located at the gates that will allow passengers to check their messages, and frequent flier record through the database and the ability to determine the extent of the accumulated miles (Pugliese: paragraph 0065). The passenger also has the option of selecting how frequent flier miles are to be used, such as for phone calls, refreshments, and other services or activities (Pugliese: paragraph 0074). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gardner to include selecting at the acceptance terminal if the usage is for a corporation as taught by Pugliese in order to take the most advantage of the frequent flier miles (Pugliese: paragraph 0075).

The combination of Gardner and Pugliese fails to disclose:

- Subtracting the miles from the accumulated miles of the boarder and adding the subtracted miles to the miles of the corporation (pertaining to claims 1 and 7):
Walker teaches a multiple party reward system utilizing a single account. Walker further teaches an account that is associated with a plurality of sub-account holders or members (Walker: Column 6, lines 3-5). The frequent users database is used to assess the rewards points and appropriately credit the points to the proper member (Walker: Column 8, lines 34-38) and update the account data by adding or subtracting rewards points (Walker: Column 11, lines 62-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Gardner and Pugliese to include subtracting the miles from the accumulated miles of the boarder and adding the subtracted miles to the miles of the corporation as taught by Walker in order to allow for corporate pooling of rewards and account tracking (Walker: Column 10, lines 50-52).
- Selectively storing earned mileage based on selection, usage details, or a combination of working data and usage details (pertaining to claims 2, 5, 6, and 8): Walker discloses a transaction reward method that assesses rewards points based upon transaction parameters defined within a frequent shopper rules database (Walker: Column 4, lines 30-33). The frequent shoppers rules database is used in context with a transaction to assess the rewards points based on the transaction itself and appropriately credit those rewards points to

the proper member's or account holder's account (Walker: Column 8, lines 34-38). It would have been obvious to one skilled in the art to further modify the combination of Gardner and Pugliese to include selectively storing earned mileage as taught by Walker in order to reward multiple shoppers using one account (Walker: Column 2, lines 8-10).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Deciding Who Will Get Airline Mileage Credits More Companies Claiming Workers' Free Tickets. Jeff Hershberger of The Sentinel Staff. Orlando Sentinel. Orlando, Fla.: Jul 1, 1985.
- You do the flying, but company buys bonus miles. Tampa Tribune. Tampa, Fla.: Dec 12, 1995.
- Frequent flier programs take off. Morris D. Rosenberg. Chicago Sun – Times. Chicago, Ill.: Sept 21, 1986
- JAL, ANA court U.S. Corps. David Jones. Business Travel News. San Francisco: Jun 26, 2000 Vol. 17, Iss. 14
- Business Travel – corporate plans; JAL develops bonus program that companies can bank on. Helen Brower. Travel Weekly. Mar 31, 1985.
- JAL flier plan awards mileage credits to firms. Travel Weekly. Jan 17, 1985

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah R. Gedrich whose telephone number is (703) 306-5449. The examiner can normally be reached on M-F 7:30am - 5:00pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sarah Gedrich
Examiner
Art Unit 3625

SRG



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